

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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U.S. DISTRICT COURT
SAN JUAN, P.R.

BRISTOL-MYERS BARCELONETA,
INC.; BRISTOL CARIBBEAN, INC.;
AND BRISTOL LABORATORIES
CORP.,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

OC
Civil 97-2567 PBS

JOINT MOTION TO CONTINUE THE TRIAL DATE

Plaintiffs Bristol-Myers Barceloneta, Inc., Bristol Caribbean, Inc. and Bristol Laboratories Corp. (the "Taxpayers") and the United States of America, by and through their attorneys, hereby move this Court to continue the trial date in this matter until May 10, 2004. The parties request this continuance to allow additional time to finalize calculations reflecting the terms of their settlement of this matter and to consummate the settlement.

In support of their motion the parties state as follows:

1. On July 17, 2002, the parties advised the Court that they had reached an agreement in principle to settle this matter. The parties explained that the settlement is subject to completion of the government's approval process and requested that the Court continue the trial date until November 15, 2002, to give the government time to complete the process. On July 18, 2002, the Court granted the parties' request.

By notice dated November 13, 2002, the Court, at the request of the parties, rescheduled the trial to February 10, 2003. By notice dated February 3, 2003, the Court, at the request of the parties, rescheduled the trial to March 24, 2003. By orders and notices dated March 27, 2003, May 14, 2003, June 30, 2003, October 1, 2003, and December 19, 2003 the Court granted the parties' requests for additional adjournments of the trial date. The trial is currently scheduled for March 8, 2004. The trial will be a bench trial.

2. As the parties have previously advised, the parties' settlement has been approved by the Assistant Attorney General for the Tax Division of the Department of Justice and by the Congressional Joint Committee on Taxation as required by 26 U.S.C. § 6405. After that approval was obtained, the Taxpayers entered into closing agreements with the Internal Revenue Service consistent with the terms of the settlement.

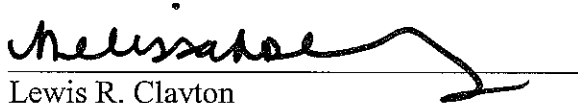
3. The parties are now in the process of finalizing tax computations reflecting the terms of the settlement and the closing agreements, a process that has proven more complex than the parties anticipated. Once these computations are finalized, the government will process the agreed-upon changes to the Taxpayers' tax account so that the settlement can be consummated.

4. Accordingly, the parties request that the trial date be continued approximately 60 days, until May 10, 2004, to provide sufficient time to finalize the

necessary computations and to consummate the settlement. The parties will provide the Court with a report on the status of the settlement in advance of the trial date.

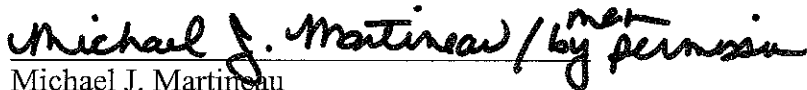
Dated: February 23, 2004

Respectfully submitted,



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